

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF YAVAPAI

FILED  
DATE: 3-10-2011  
5:19 O'Clock P.M.  
JEANNE HICKS, CLERK  
BY: T. Brogdon  
Deputy

DIVISION PRO TEM B

JEANNE HICKS, CLERK

HON. WARREN R. DARROW

BY: T. Brogdon, Deputy Clerk

CASE NO. V1300CR201080049

DATE: March 10, 2011

TITLE:

COUNSEL:

STATE OF ARIZONA,

Yavapai County Attorney  
Sheila Polk/Bill Hughes,  
(Via OnBase)  
(For Plaintiff)

(Plaintiff)

v.

JAMES ARTHUR RAY,

Thomas K. Kelly,  
(Via electronic mail)  
(Co-Counsel for Defendant)

(Defendant)

Luis Li/Brad Brian/Truc Do/Miriam Seifter  
MUNGER TOLLES & OLSON LLP,  
(Via electronic mail)  
(Co-Counsel for Defendant, *Pro Hac Vice*)

HEARING ON:  
TRIAL – Day 13

NATURE OF PROCEEDINGS

COURT REPORTER  
Mina Hunt

START TIME: 9:26 a.m.

APPEARANCES:

Sheila Polk, Counsel for State  
Bill Hughes, Co-Counsel for State  
Detective Ross Diskin, Case Agent  
James Arthur Ray, Defendant  
Tom Kelly, Co-Counsel for Defendant  
Luis Li, Co-Counsel for Defendant  
Miriam Seifter, Co-Counsel for Defendant  
Victim Services Representative

The Court, Counsel, Detective Diskin, Defendant, Victim Services Representative and the Jury are present in the Courtroom.

Dennis Mehravar having been previously sworn resumes testimony.

Exhibits 192 and 193 are offered and admitted into evidence without objection subject to Counsels discussion outside of the presence of the Jury and the Court, as **stated on the record** by Counsel for Defendant.

Exhibits 318 and 324 are offered and admitted into evidence without objection.

The Jury is reminded of the admonition, Dennis Mehravar is reminded of the Rule for the exclusion of witnesses, and excused for a recess.

~~~Recess~~~

At 10:37 a.m. Court reconvenes, all previously appearing parties and the Jury are present in the Courtroom.

Dennis Mehravar resumes testimony.

The Jury is reminded of the admonition, Dennis Mehravar is reminded of the Rule for the exclusion of witnesses, excused for the noon recess, and instructed to return at 1:30 p.m.

~~~Noon Recess~~~

At 1:40 p.m. Court reconvenes, all previously appearing parties and the Jury are present in the Courtroom.

Dennis Mehravar resumes testimony.

Court and Counsel conduct sidebar discussion outside of the presence of the Jury on the record.

Dennis Mehravar is reminded of the Rule for the exclusion of witnesses, is excused and exits the Courtroom.

Michael Olesen is sworn and testifies.

The Jury is reminded of the admonition, Michael Olesen is reminded of the Rule for the exclusion of witnesses, and excused for a recess.

~~~Recess~~~

At 3:28 p.m. Court reconvenes, all previously appearing parties and the Jury are present in the Courtroom.

Michael Olesen resumes testimony.

Exhibits 195 and 196 are offered and admitted into evidence without objection.

The Jury is reminded of the admonition, advised to return on March 11, 2011 at 9:15 a.m. and excused for the evening recess.

Michael Olesen is reminded of the Rule for the exclusion of witnesses, is excused and exits the Courtroom

Court and Counsel addresses a note received from a Juror.

Court and Counsel discuss Motions and Rulings in this case. State advises there is a pending Motion in Limine with regard to witness Mr. Case. Oral argument ensues regarding witnesses and disclosure.

The Court advises there are concerns of the potential issue of negligence. The Court is very aware of the Motion recently filed and if a Ruling needs to be out for planning purposes. Oral argument ensues regarding relevancy of witness testimony.

The Court advises if Counsel feels they need Oral Argument on issues, it can be accomplished at 8:30 a.m. before testimony.

Court and Counsel discuss exhibit and brady issues.

Court and Counsel discuss the issue of audio clips. Counsel for Defendant submits this issue is best dealt with a broad ruling relating to these clips.

V1300CR201080049

STATE v JAMES ARTHUR RAY

March 10, 2011

Page 3

Court invokes the new start time and advises if there is a legal issue, it needs to be argued and submitted so there is no delay to the Jury.

The Court stands adjourned for the day.

**END TIME: 5:19 p.m.**

cc Gallagher & Kennedy, P.C , Counsel for Shore Family (e)  
Murphy, Schmitt, Hathaway & Wilson, PLLC, Co-Counsel for Brown Family (e)  
Stone & Magnanini, Co-Counsel Brown Family (e)  
Aspey, Watkins & Diesel, PLLC, Counsel for Neuman Family (e)  
Step toe & Johnson, Counsel for KPNX Broadcasting Company, TruTV and In Session (e)  
Perkins, Coie, Brown & Bain, Counsel KTVK-TV (e)  
Division PTB (e)  
Victim Services (e)  
Court Administration  
Customer Service Supervisor, Verde